

The Honorable Barbara J. Rothstein

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

KING COUNTY,

Plaintiff,

Case No. 2:24-cv-00049-BJR

v.

**STIPULATED MOTION AND ORDER  
EXTENDING BRIEFING SCHEDULE  
FOR PLAINTIFF'S MOTION TO  
STRIKE DEFENDANTS'  
AFFIRMATIVE DEFENSES**

EXPRESS SCRIPTS, INC., EXPRESS  
SCRIPTS ADMINISTRATORS, LLC, MEDCO  
HEALTH SOLUTIONS, INC., MERCK-  
MEDCO, ESI MAIL ORDER PROCESSING,  
INC., ESI MAIL PHARMACY SERVICE, INC.,  
EXPRESS SCRIPTS PHARMACY, INC.,  
EXPRESS SCRIPTS SPECIALTY  
DISTRIBUTION SERVICES, INC.,  
OPTUMINSIGHT, INC., OPTUMINSIGHT  
LIFE SCIENCES, INC., THE LEWIN GROUP,  
INC., INGENIX PHARMACEUTICAL  
SERVICES, INC., INGENIX, INC.,  
OPTUMRX, INC., AND OPTUM, INC.,

Defendants.

1 Plaintiff King County (“Plaintiff”) and Defendants Express Scripts, Inc., Express Scripts  
2 Administrators, LLC, Medco Health Solutions, Inc., ESI Mail Order Processing, Inc., ESI Mail  
3 Pharmacy Service, Inc., Express Scripts Pharmacy, Inc., Express Scripts Specialty Distribution  
4 Services, Inc. (the “Express Scripts Defendants”), OptumRx, Inc., Optum, Inc., OptumInsight,  
5 Inc., OptumInsight Life Sciences, Inc., and The Lewin Group, Inc. (the “Optum Defendants”)  
6 (collectively “Defendants”) hereby stipulate as follows:  
7

8 WHEREAS, on June 10, 2025, Defendants filed their Answers to Plaintiff’s Amended  
9 Complaint, Dkt. Nos. 98–99;

10 WHEREAS, in response to Plaintiff’s Complaint, the Express Scripts Defendants have  
11 asserted 46 affirmative defenses, and the Optum Defendants have asserted 57 affirmative defenses,  
12 for a total of 103 such defenses;  
13

14 WHEREAS, Plaintiff intends to move to strike a number of the affirmative defenses  
15 asserted by the Express Scripts Defendants and the Optum Defendants on grounds that they are  
16 improper, irrelevant or otherwise fail to meet the appropriate pleading standards;

17 WHEREAS, Defendants maintain that their asserted defenses are both proper and  
18 adequately pled and will oppose the motion;

19 WHEREAS, pursuant to Federal Rule of Civil Procedure 12(f), the present deadline for  
20 Plaintiff to move to strike Defendants’ affirmative defenses is July 1, 2025, *see* Fed. R. Civ. P.  
21 12(f) (requiring a party to move to strike “within 21 days after being served with the pleading”);  
22

23 WHEREAS, Plaintiff believes that a 14-day extension of the deadline to file its anticipated  
24 Motion to Strike Defendants’ Affirmative Defenses (“Motion”) will allow it to streamline its  
25 arguments, avoid excessive or duplicative briefing, and thus avoid unnecessary motion practice  
26 and conserve resources of the Parties and this Court;

1 WHEREAS, Defendants maintain that they are entitled to a separate and fulsome response  
2 to Plaintiff's Motion ("Opposition");

3 WHEREAS, Plaintiff maintains that it is entitled to adequate response ("Reply") in light  
4 of Defendants' potential submission of two separate Oppositions to its single Motion;

5 WHEREAS, given the number of affirmative defenses, the number of Defendants, and the  
6 number and complexity of the factual and legal issues to be presented, the Parties believe that good  
7 cause exists, consistent with Section II.D of this Court's Standing Order entered January 18, 2024,  
8 to establish an extended briefing schedule for the anticipated Motion, Opposition(s) and Reply,  
9 and jointly request that this Court approve the proposed schedule;

10 WHEREAS, the requested relief will not affect any deadlines proposed by the Parties in  
11 the Joint Status Report and Discovery Plan, Dkt. No. 100;

12 NOW THEREFORE, the parties agree to the following briefing schedule, subject to this  
13 Court's approval:

- 14 1. Plaintiff shall file a single Motion of up to 15 pages on or before July 15, 2025;
- 15 2. The Express Scripts Defendants and the Optum Defendants may each file a separate  
16 Opposition (up to two briefs of up to 15 pages each), on or before August 19, 2025; and
- 17 3. Plaintiff shall file its Reply of up to ten pages in response to each Opposition (up  
18 to 20 pages total if Defendants file separate Oppositions), on or before September 12, 2025.
- 19 4. The deadline for the Express Scripts Defendants and the Optum Defendants to  
20 amend their Answers as a matter of right is extended by one week, from July 1 to July 8, 2025.
- 21
- 22
- 23
- 24

25 **IT IS SO STIPULATED THROUGH COUNSEL OF RECORD.**

26 DATED this 30th day of June, 2025.

**QUINN EMANUEL URQUHART &  
SULLIVAN, LLP**

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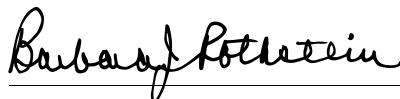
**ORDER**

Having considered the Parties' Stipulation, and good cause having been demonstrated, the Court hereby ORDERS that:

- The Express Scripts Defendants and the Optum Defendants may amend their Answers as a matter of right on or before July 8, 2025.
- Plaintiff King County's Motion to Strike Defendants' Affirmative Defenses ("Motion") shall be filed on or before July 15, 2025.
- Defendants Express Scripts, Inc., Express Scripts Administrators, LLC, Medco Health Solutions, Inc., ESI Mail Order Processing, Inc., ESI Mail Pharmacy Service, Inc., Express Scripts Pharmacy, Inc., and Express Scripts Specialty Distribution Services, Inc. (collectively, the "Express Scripts Defendants") shall have until August 19, 2025, to file their brief in opposition.
- Defendants OptumRx, Inc., Optum, Inc., OptumInsight, Inc., OptumInsight Life Sciences, Inc., and The Lewin Group, Inc. (collectively, the "Optum Defendants") shall have until August 19, 2025, to file their brief in opposition.
- Plaintiff shall have until September 12, 2025, to file its reply to each Opposition.
- Plaintiff shall have up to 15 pages for its Motion. The Express Scripts Defendants and the Optum Defendants may each file a separate Opposition of up to 15 pages each. Plaintiff shall have up to 10 pages to reply to each Opposition (or twenty pages in total if Defendants file separate oppositions).

**IT IS SO ORDERED.**

DATED this 30th day of June 2025.



Honorable Barbara J. Rothstein  
United States District Court Judge

**CERTIFICATE OF SERVICE**

I, Alison Gaffney, hereby certify that on June 30, 2025, I electronically filed the **STIPULATED MOTION AND [PROPOSED] ORDER EXTENDING BRIEFING SCHEDULE FOR PLAINTIFF'S MOTION TO STRIKE DEFENDANTS' AFFIRMATIVE DEFENSES** with the clerk of the United States District Court for the Western District of Washington using the CM/ECF system, which shall send electronic notification to all counsel of record.

/s/ Alison S. Gaffney  
Alison S. Gaffney